

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:11-CR-55-BO

UNITED STATES OF AMERICA

v.

ROGER ARTHUR, JR.

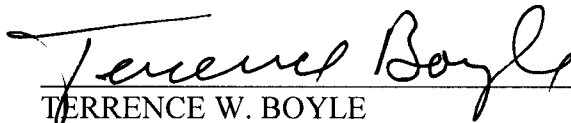
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ORDER

This cause comes before the Court on defendant's motion to file appeal out of time and on limited remand from the court of appeals. Defendant filed his notice of appeal outside of the fourteen day period but within the thirty-day excusable neglect period. Fed. R. App. P. 4(b)(1)(A); 4(b)(4).

The court of appeals has directed that the Court determine whether defendant has shown excusable neglect or good cause warranting an extension of the appeal period. *See United States v. Reyes*, 759 F.2d 351, 353 (4th Cir. 1985). Defense counsel states that the notice of appeal on behalf of defendant was prepared by his office but was inadvertently not filed before the fourteen-day deadline had passed. The Court finds that such neglect is excusable, and, for good cause shown, grants defendant's request to file his appeal out of time. Accordingly, an extension of the fourteen-day appeal period is warranted and defendant's notice of appeal is deemed timely filed.

SO ORDERED, this 19 day of July, 2013.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE